

Notice of Allowability

Application No.

10/647,165

Examiner

Lorna M. Douyon

Applicant(s)

BLANK ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 1/22/07.
2. ☒ The allowed claim(s) is/are 1, 3, 10-24 renumbered 1-17 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

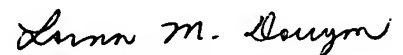
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Lorna M. Douyon
Primary Examiner
Art Unit 1751

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John E. Drach on April 13, 2007.

2. The application has been amended as follows:

2.1. In claim 1:

a) line 7, the phrase --from 60% by weight to 80% by weight of-- has been added after "comprises".

b) line 7, the phrase --from 3% by weight to 9% by weight of-- has been added before "a Brønsted".

2.2. Claims 2, 4, 6, 7, 8, 9 and 25 have been cancelled.

STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The claims in their present amended forms have overcome the prior art of record including the newly found art to Fox et al. (US Patent No. 4,895,667) or Cheng (US Patent No. 4,414,130) because none of them teaches, discloses or suggests a process of making particulate foam regulating granulates in the manner as those specifically

Art Unit: 1751

recited, in particular, wherein the carrier material comprises an alkali metal carbonate and a Brønsted acid in their narrowly recited proportions. Even though WO 00/36063 teaches a similar process for making particulate foam regulating granulates or granules, WO '063 fails to disclose a carrier comprising alkali metal carbonate and a Brønsted acid selected from the group consisting of NaHSO_4 , Na_2HPO_4 , NaH_2PO_4 and mixtures thereof, and as argued by Applicants, even though Hall teaches the equivalency of sodium hydrogen sulfate with citric acid, these compounds are taught by Hall as "source of acidity" and not as "carriers", hence there would be no motivation to combine the teachings of WO '063 and Hall. The newly found art to Fox teaches the equivalency of carbonates, bicarbonates with sodium monobasic phosphate and sodium dibasic phosphate as carriers (see col. 4, lines 15-30) for liquid materials comprising quaternary compounds (see col. 4, lines 38-45). Cheng, another newly found art, teaches the equivalency of carbonates, bicarbonates with bisulfates as carriers for synthetic organic detergent (see col. 12, lines 3-29). WO '063, the prior art of record, teaches a preferred carrier material which comprises alkali metal hydrogen carbonate and alkali metal carbonate in a ratio by weight of preferably 99:1 to 10:90 (see English equivalent US 6,340,662, col. 6, lines 57-61). Even assuming the alkali metal hydrogen carbonate carrier of WO '063 is substituted with the sodium monobasic phosphate or sodium dibasic phosphate of Fox, or the bisulfate of Cheng, there is seen no motivation, direction or guidance in arriving at the narrowly recited proportions of the alkali metal carbonate and the recited Brønsted acids, coupled with the fact that the carriers taught by Fox or Cheng are carriers for surfactants and not carriers for paraffin wax and/or

Art Unit: 1751

silicone oil foam regulating emulsions as required in the present claims. Accordingly, the subject matter, as a whole, would not have been obvious to one of ordinary skill in the art.

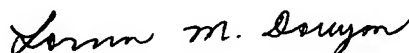
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lorna M. Douyon
Primary Examiner
Art Unit 1751